REMARKS

Claims 1, 2, 4, 8, 11 and 12 have been amended. Claims 3, 5 and 6 have been canceled.

The Examiner has rejected applicant's claims 1, 3 and 5-6, 8 and 10-12 under 35 USC 103(a) as unpatentable based on the Koseki, et al. patent (U. S. Patent No. 7,098,946) in view of the Shigemoto, et al. patent (U. S. Patent No. 5,469,125) taken in further view of the Voigt, et al. patent (US Patent No. 5,566,087). The Examiner has further rejected applicant's claims 2 and 4 also under 35 USC 103(a) as unpatentable based on the latter patents taken with the Ejima, et al. reference (US Published Patent Application Publication No. 2002/0008, 765). With respect to applicant's claims, as amended, these rejections are respectfully traversed.

More particularly, applicant's independent claim 1 has been amended to recite an image pickup apparatus including a first mode for picking up an object image and a second mode for reproducing a recorded image, said apparatus comprising: an operation member which is operable toward a first position corresponding to a first mode, and is operable toward a second position corresponding to a second mode, and further itself is automatically forced to be suppressed to a third position different from each of the first position and the second position when said operation member is not operated by a user; and a control unit, which effects control of said image pickup apparatus so as to make said image pickup apparatus active in accordance with the mode corresponding to the position to which said operation member is operated to one of the first position and the second position, if said operation member is operated when said image pickup apparatus is in a non-active state, and switch over the mode of said image pickup apparatus to the mode corresponding to the position to which said operation member is operated, if said operation member is operated to one of the first position and the second position when said image pickup apparatus is in an active state and the current mode of said

image pickup apparatus is different from the mode corresponding to the position to which said operation member is operated. Independent method claim 8 has similar features and has been similarly amended.

As can be appreciated from the above, in applicant's invention of independent claim 1, an image pickup apparatus is recited in which an operation member is operable toward a first position corresponding to a first mode and also operable toward a second position corresponding to a second mode. The image pickup apparatus further is arranged to have a control unit which effects control of the image pickup apparatus so as to make the image pickup apparatus active in accordance with the mode corresponding to the position to which the operation member is operated to one of the first position and the second position, if the operation member is operated when the image pickup apparatus is in a non-active state. The control unit further effects control to switch over the mode of the image pickup apparatus to the mode corresponding to the position to which the operation member is operated, if the operation member is operated to one of the first position and the second position when the image pickup apparatus is in an active state and the current mode of the image pickup apparatus is different from the mode corresponding to the position to which the operation member is operated.

Additionally, independent claim 11 has been amended to recite an image pickup apparatus including a first image pickup mode for picking up an object image, a second image pickup mode for picking up an object image, a first image reproducing mode for reproducing a recorded image and a second image reproducing mode for reproducing a recorded image, said apparatus comprising: an operation member which is operable toward a first position corresponding to the first and second image pickup mode, and is operable toward a second position corresponding to the first and second image reproducing mode; and a control unit

which controls mode switching of said image pickup apparatus so as to switch over the mode thereof between the first image pickup mode and the second image pickup mode if said operation member is operated to the first position when said image pickup apparatus is in one of the first image pickup mode and the second image pickup mode, switch over the mode of said image pickup apparatus to one of the first image reproducing mode and the second image reproducing mode if said operation member is operated to the second position when said image pickup apparatus is in one of the first image pickup mode and the second image pickup mode, switch over the mode of said image pickup apparatus between the first image reproducing mode and the second image reproducing mode if said operation member is operated to the second position when said image pickup apparatus is in one of the first image reproducing mode and the second image reproducing mode, and switch over the mode of said image pickup apparatus to one of the first image pickup mode and the second image pickup mode if said operation member is operated to the first position when said image pickup apparatus is in one of the first image reproducing mode and the second image reproducing mode. Independent method claim 12 includes like features and has been similarly amended.

As can also be appreciated from the above, the invention of independent claim 11 is an image pickup apparatus arranged to have an operation member which is operable toward a first position corresponding to the first and second image pickup mode and also operable toward a second position corresponding to the first and second image reproducing mode. The image pickup apparatus further includes a control unit arranged to control mode switching of the image pickup apparatus so as to switch over the mode thereof between the first image pickup mode and the second image pickup mode if the operation member is operated to the first position when the image pickup apparatus is in one of the first image pickup mode and the

second image pickup mode, and switch over the mode of the image pickup apparatus to one of the first image reproducing mode and the second image reproducing mode if the operation member is operated to the second position when the image pickup apparatus is in one of the first image pickup mode and the second image pickup mode. The control unit is further arranged to switch over the mode of the image pickup apparatus between the first image reproducing mode and the second image reproducing mode if the operation member is operated to the second position when the image pickup apparatus is in one of the first image reproducing mode and the second image reproducing mode, and switch over the mode of the image pickup apparatus to one of the first image pickup mode and the second image pickup mode if the operation member is operated to the first position when the image pickup apparatus is in one of the first image reproducing mode and the second image reproducing mode.

Such constructions are not taught or suggested by the cited art of record. In particular, as argued in applicant's previous responses, the record (R) /playback (P) change over switch 26 in the Koseki, et al. patent, even if modified in accordance with the return to neutral switch in the Shigemoto, et al. patent would not result in applicant's claimed invention. Specifically, the R/P changeover switch in the Koseki, et al. patent when manually returned to neutral or center position stops the active state (ceases or terminates the (R) or (P) mode)) of the image pickup apparatus with respect to these modes. There is, therefore, no active state of the apparatus in relation to such modes with the switch in neutral position.

Moreover, the Shigemoto, et al. patent merely discloses a switch that automatically returns to neutral or central position when released. Accordingly. modifying the (R)/(P) switch is the Koseki, et al patent to operate in this manner would only result in automatic return of the switch to the neutral or central position, but the image pickup apparatus would still not be in an

active state in this position with respect to the (R) and (P) modes.

The combined teachings of these references would, therefore, not teach or suggest an image pickup apparatus with a control unit which operates to " switch over the mode of said image pickup apparatus to the mode corresponding to the position to which said operation member is operated if said operation member is operated to one of the first position and the second position when said image pickup apparatus is in an active state and the current mode of said image pickup apparatus is different from the mode corresponding to the position to which said operation member is operated. As previously mentioned, the Koseki, et al. patent when modified by the Shigemoto, et al. patent results in an automatic return to neutral of the R/P switch and, at this position, neither the (R) or (P) mode is in operation placing the apparatus in the in-active state. As a result, there is no switching over when the image pickup apparatus is in an active state, but only a switching over from an in-active state. Thus, the Koseki, et al. and Shigemoto, et al. patents do not teach or suggest the invention of applicant's amended independent claim 1 and its respective dependent claims and likewise applicant's independent claim 8 and its respective dependent claims.

The Examiner has acknowledged the failure of these references to teach or suggest applicant's claimed invention, but has cited the Voigt, et al. patent. The Examiner then argues that the combination of these three references would result in applicant's claimed invention. Applicant disagrees.

The Voigt, et al patent discloses a hand controller 14 which controls a gimbal 24 including a forward looking infrared (FLIR) and daylight television (DLTV) 26. Specifically, this reference discloses that one of the FLIR and the DLTV is selected by using a video payload switch 44 (e.g., column 5 lines 34-37) and that the camera lens setting is performed by

operating a zoom switch 48 when the DLTV is selected, while the field of view defined by the FLIR is changed by operating the zoom switch 48 when the FLIR is selected (e.g., column 7 lines 1-12).

The Voigt, et al. patent further states that "[t]he zoom switch 48 is a two-way, center off, momentary contact rocker switch having positions marked T (telephoto) and W (wide angle)". The patent also describes the operation of the switch for DLTV as follows: "If DLTV is selected, the switch allows the operator to change the camera lens setting toward either telephoto or wide angle. As long as this switch is held in the direction of movement desired, the camera lens will continue to zoom in that direction until it reaches its limit of range. When the switch 48 is released, lens movement stops at the degree of telephoto or wide angle it has reached at the time." (column 7, lines 1-7).

The zoom switch 48 in the Voigt, et al. patent thus operates in the same manner as the R/P switch in the Koseki, et al. patent. Each when moved in one direction activates one mode (recording in the Koseki, et al. patent, telephoto in the Voigt, et al. patent) and when it moves in the opposite direction it activates the other mode (playback in the Koseki, et al. patent and wide angle in the Voigt, et al. patent). And when the switch is released and returned to the center position, it stops the one of the modes previously activated rendering the apparatus in-active with respect to these modes. In both patents, when the mode is stopped, the apparatus remains at the position it reached at the time a mode was stopped (in the Kosei, et al. patent at the recording or playback position, in the Voigt, et al. patent at the telephoto or wide angle position). However, in neither patent does switching occur from the active state of the apparatus with respect to the modes, but switching always is through the neutral position which is the inactive state of the apparatus in relation to the modes.

Thus, the Voigt, et al patent adds nothing to the combination of the Koseki, et al. and Shigemoto, et al. patents that is not already disclosed in the Koseki, et al. patent. The combination of these patents thus fails to teach or suggest an image pickup apparatus which operates to " switch over the mode of said image pickup apparatus to the mode corresponding to the position to which said operation member is operated if said operation member is operated to one of the first position and the second position when said image pickup apparatus is in an active state and the current mode of said image pickup apparatus is different from the mode corresponding to the position to which said operation member is operated .

Applicant's amended independent claims 1 and 8 and, their respective dependent claims, all of which recite these features in one form or another, thus patentably distinguish over the combination of the Koseki, et al., Shigemoto, et al. and Voigt, et al patents.

As stated above, the Koseki, et al patent includes an R/P switch for switching between record and playback modes. However, neither this patent, nor the Shigemoto, et al. and Voigt patents, describe an "image pickup apparatus including a first image pickup mode for picking up an object image, a second image pickup mode for picking up an object image, a first image reproducing mode for reproducing a recorded image and a second image reproducing mode for reproducing a recorded image" and "an operation member which is operable toward a first position corresponding to a first and second image pickup mode, and is operable toward a second position corresponding to the first and second image reproduce mode." Thus, these references also do not and cannot teach or suggest an "a control unit which controls mode switching of said image pickup apparatus so as to switch over the mode thereof between the first pickup mode and the second pickup mode if said operation member is operated to the first position when said image pickup apparatus is in one of the first image pickup mode and the

second image pickup mode, switch over the mode of said image pickup apparatus to one of the first image reproducing mode and the second image reproducing mode if said operation member is operated to the second position when said image pickup apparatus is in one of the first image pickup mode and the second image pickup mode, switch over the mode of said image pickup apparatus between the first image reproducing mode and the second image reproducing mode if said operation member is operated to the second position when said image pickup apparatus is in one of the first image reproducing mode and the second image reproducing mode, and switch over the mode of said image pickup apparatus to one of the first image pickup mode and the second image pickup mode if said operation member is operated to the first position when said image pickup apparatus is in one of the first image reproducing mode and the second image reproducing mode."

Applicant's independent claims 11 and 12, both of which recite the above features in one form or another, thus patentably distinguish over the Koseki, et al., Shigemoto, et al. and Voigt, et al patents.

The cited Ejima, et al. reference fails to add anything to the other cited references to change the above conclusions.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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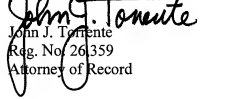
Respectfully submitted,



COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
New York, New York 10036-6799
T: (212) 790-9273

John J. Torrente
Reg. No. 26,359
Attorney of Record